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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Hungary, Ireland*, Italy, Japan, Netherlands, Norway*, Sweden*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Sudan,

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling its resolution 1993/60 of 10 March 1993 as well as General Assembly resolutions 47/142 of 18 December 1992 and 48/147 of 20 December 1993 on the situation in the Sudan,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, at its forty-ninth session by the Special Rapporteur on the question of religious intolerance and at its fiftieth session by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture,

Noting also with concern the latest report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1994/48),

Disturbed by the failure of the Government of the Sudan to provide a full impartial investigation and report of the killings of Sudanese employees of foreign Government relief organizations, despite the announcement during 1993 by the Government of the Sudan of its intention to convene an independent judicial inquiry commission, which would issue such a report,

Noting the widespread conditions of armed conflict existing within the Sudan, whose continuation only exacerbates the deterioration of the human rights situation, leading to further violations by all sides in the conflict,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

Deeply concerned that access by the civilian population to humanitarian assistance has been impeded, but hoping the recent dialogue between the Government of the Sudan, donor Governments and international non-governmental organizations will result in improved delivery of humanitarian aid,

Deeply concerned also about increasing air attacks by the Sudanese air force in southern Sudan resulting in great harm and injury to the civilian population,

Alarmed by the large number of internally displaced persons, notably in the Nuba mountain region, and victims of discrimination in the Sudan, including women, children, and members of minorities, who have been forcibly displaced in violation of their human rights,

Conscious of the burden of the continued mass exodus of refugees into neighbouring countries, but expressing its appreciation for the international efforts to assist them, thereby easing the burden on host countries,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan,

1. Expresses its thanks to the Special Rapporteur for his most recent report;

2. Expresses its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, abductions, forced displacement of persons and torture;

3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

4. Notes with displeasure the interference by the Government of the Sudan with the visit to the Sudan of the Special Rapporteur during September 1993;

5. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation in accordance with such instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

6. Also calls upon the Government of the Sudan to explain without delay the circumstances of the recent air attacks on civilian targets in southern Sudan;

7. Notes with appreciation, in this connection, the current regional efforts of the heads of State of the Intergovernmental Authority on Drought and Development (Kenya, Uganda, Ethiopia and Eritrea) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

8. Urges all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of the heads of State of the Intergovernmental Authority on Drought and Development (Kenya, Uganda, Ethiopia and Erithrea);

9. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

10. Also calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 1949 and the additional protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians, including women, children and members of minorities, from violations, including forcible displacement, arbitrary detention, abductions, ill-treatment, torture and summary execution;

11. Calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

12. Also calls upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat to deliver assistance to all persons in need;

13. Decides to extend the mandate of the Special Rapporteur for an additional year;

14. Requests the Secretary-General to continue to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

15. Calls upon the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the ongoing discharge of his mandate and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan with whom he wishes to meet, with no threats or reprisals;

16. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session;

17. Decides to consider the situation of human rights in the Sudan at its fifty-first session under the same agenda item.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina*, Austria, Barbados, Belgium*, Brazil, Chile, Colombia, Costa Rica, Denmark*, Ecuador, Finland, France, Germany, Haiti*, Hungary, Ireland*, Italy, Japan, Luxembourg*, Mexico, Netherlands, Norway*, Peru, Portugal*, Senegal*, Spain*, Sweden*, Switzerland*, Uruguay and Venezuela: draft resolution

Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolution 1993/68 of 10 March 1993,

Having in mind the report (E/CN.4/1994/55) of the Special Rapporteur, Mr. Marco Tulio Bruni Celli, appointed by the Chairman of the Commission at its forty-eighth session,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992, 47/143 of 18 December 1992, 48/27 of 6 December 1993 and 48/151 of 20 December 1993,

Deeply concerned about the grave events in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the steadily deteriorating political and economic situation since 29 September 1991,

Deeply alarmed at the persistence and worsening of serious violations of human rights during 1993, in particular summary and arbitrary executions, involuntary disappearances, reports of torture and rape, arbitrary arrests and detentions, denial of freedom of expression, assembly and association, and the grave deterioration of the political, economic and social situation in the country,

Deeply concerned about the increase in acts of violence and intimidation against the democratic Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, and Antoine Izméry, a prominent supporter of President Aristide, which have contributed to the temporary withdrawal of the International Civilian Mission,

Taking note of the report of the International Civilian Mission of United Nations Observers and of the Organization of American States, which was presented in accordance with General Assembly resolution 47/20 B of 20 April 1993,

Recognizing the important role played by the International Civilian Mission established by the United Nations and the Organization of American States, whose presence in Haiti has helped prevent further violations of human rights, and welcomes the return to Haiti of a number of its members,

Taking into account the signature by all parties of the Governors Island Agreement of 3 July 1993 and the New York Pact of 16 July 1993,

Aware of the urgent need to keep a close watch on the situation of human rights in Haiti,

1. Expresses its appreciation to the Special Rapporteur for his report on the situation of human rights in Haiti;

2. Once again strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its conviction that the full implementation of the Governors Island Agreement by all parties is the only valid framework for resolving the crisis in Haiti and guaranteeing the constitutional order, in order to achieve an improvement in the human rights situation in Haiti, and that the refusal by one of the parties to implement this Agreement has led to a deterioration of the human rights situation;

4. Expresses its deep concern about the considerable worsening of the human rights situation in Haiti since the coup d'état in September 1991 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

5. Again condemns the persistent worsening of the human rights situation in Haiti during 1993, characterized by deaths, disappearances and assassinations, preventive repression, persecution, arbitrary arrests, torture, improper demands by security personnel for payment in return for not causing injury, abandonment of legislative programmes, the reappearance of the section chiefs, the banning of demonstrations, and police repression of all acts of protest against the military authorities, as well as the grave deterioration of the political, economic and social situation;

6. Requests the Special Rapporteur to visit Haiti in the near future in order to obtain precise information on the situation of human rights in that country, and stresses the importance of the Special Rapporteur being provided, in accordance with the obligations assumed by the Haitian State under the

international instruments on human rights ratified by it, with all the necessary facilities in order to fulfil its mandate;

7. Expresses its full support for the International Civilian Mission of United Nations Observers and of the Organization of American States responsible for monitoring respect for human rights in Haiti, and welcomes the return to Haiti of a number of its members, which will help to prevent further violations of human rights;

8. Draws the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support for the efforts being made to assist them;

9. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in aid of the nationals fleeing the country and invites Member States to continue to give financial and material support for its efforts;

10. Calls upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons, and encourage the strengthening of the institutional coordination between the specialized agencies and between the United Nations and the Organization of American States;

11. Decides to extend for one more year the mandate of the Special Rapporteur established by Commission resolution 1992/77;

12. Emphasizes the importance of continuing the necessary cooperation between the Special Rapporteur of the Commission and the International Civilian Mission of United Nations Observers and the Organization of American States, in order to contribute to the full implementation of their mandates and in that respect emphasizes the contribution that the Centre for Human Rights can provide;

13. Requests the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-ninth session and a final report to the Commission on Human Rights at its fifty-first session;

14. Requests the Secretary-General to provide to the Special Rapporteur all necessary assistance in order to fulfil his mandate;

15. Decides to continue its consideration of the situation of human rights in Haiti at its fifty-first session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 22

RIGHTS OF THE CHILD

Austria, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, Netherlands, Norway*, Spain*, United Kingdom of Great Britain and Northern Ireland and Sweden*: draft resolution

The plight of street children

The Commission on Human Rights,

Recalling its resolution 1993/81 of 10 March 1993 and General Assembly resolution 48/136 of 20 December 1993,

Welcoming the special attention given to the rights of children in the Vienna Declaration and Programme of Action, in particular in part I, paragraph 21,

Recalling the Convention on the Rights of the Child as a major contribution to the protection of the rights of all children, including street children,

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection, and that children living under especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live,

Profoundly concerned that the killing of and violence against street children threaten the most fundamental right of all, the right to life,

Alarmed at continuing serious offences of this nature against street children,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Noting with appreciation the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography, the United Nations International Drug Control Programme and the International Criminal Police Organization (INTERPOL),

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Bearing in mind that the Vienna Declaration and Programme of Action urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

Recognizing that the prevention and solution of certain aspects of this problem could be facilitated in the context of economic and social development,

1. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society, and to provide, inter alia, adequate nutrition, shelter, health care and education;

3. Strongly urges all Governments to respect fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against street children;

4. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child, which is obligatory for States parties, would constitute a significant step towards solving the problems of street children, and calls upon all States that have not done so to become parties to the Convention as a matter of priority;

5. Calls on the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. Commends the Committee on the Rights of the Child for the attention it pays in its monitoring activities to the situation of children who, to survive,

are forced to live and work in the streets, and reiterates its invitation to the Committee to consider the possibility of a general comment on street children;

7. Recommends that the Committee on the Rights of the Child and other relevant treaty monitoring bodies give attention to this growing problem when examining reports from States parties;

8. Invites Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate with each other to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of street children;

9. Calls on special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. Decides to consider the question further at its fifty-first session under the agenda item entitled "Rights of the Child".

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Guinea-Bissau and Nigeria: draft resolution

Human rights violations in Bougainville

The Commission on Human Rights,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, with particular reference to the Geneva Conventions relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

GE.94-11912 (E)

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect and observance of human rights and fundamental freedoms,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Recognizing that popular participation in its various forms is an important factor in the full realization of all human rights,

Recognizing also that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Seriously concerned about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in Bougainville,

Welcoming the invitation extended by the Government of Papua New Guinea to the European Economic Community - African Caribbean and Pacific Joint Assembly, as well as some other relevant international observers, but remaining disappointed that such access has in the past been consistently denied,

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all parts of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/88 of 8 December 1989, in which the Assembly proclaimed 1994 as the International Year of the Family,

Recalling Sub-Commission on the Prevention of Discrimination and the Protection of Minorities resolution 1992/19 of 27 August 1992,

Also recalling Commission on Human Rights resolution 1993/76 of 10 March 1993,

Having heard the comments made during the fiftieth session of the Commission,

Having examined the report of the Secretary-General on the situation in Bougainville (E/CN.4/1994/60),

Concerned that information from the Government of Papua New Guinea has not been provided to the Commission on actions it has taken during the past year,

Concerned also at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recognizing that Bougainville's tragic recent history requires special measures to assure the protection of human rights,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in Bougainville, in particular arbitrary arrests and detentions, summary executions, torture and inhuman treatment, forced population displacements, restrictions on essential medical and other essential needs and serious shortcomings in the administration of justice,

Stressing the need to put an end to impunity of persons responsible for human rights violations,

1. Welcomes the statement by the Government of Papua New Guinea at the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of the Bougainville people, but regrets that there has been no progress towards such negotiations by the Government;

2. Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group but regrets the lack of response from the Government of Papua New Guinea to this initiative for peace;

3. Once again urges all parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Bougainville;

4. Once again calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population;

5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Bougainville, and calls on all parties to respect human rights;

6. Expresses concern at the lack of progress in efforts to end the armed conflict and to find a comprehensive political solution to the conflict;

7. Expresses deep concern at the reports of serious human rights violations in Bougainville, including summary execution, torture, rape, disappearances, forced displacement of peoples, ill-treatment and the use of weapons against civilian populations;

8. Also expresses deep concern at the deliberate impeding of the delivery of medical and other items of a humanitarian nature essential for the civilian population, which constitutes a violation of international humanitarian law, and demands that all parties to the conflict ensure that persons under their control cease all interference with deliveries of humanitarian supplies;

9. Urges the Government of Papua New Guinea to invite promptly the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to conduct on-site investigations in Bougainville;

10. Also urges the Government of Papua New Guinea to extend its full cooperation to the thematic rapporteurs of the Commission on Human Rights;

11. Requests the Secretary-General to appoint a special representative:

(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) To receive credible and reliable information from Governments and non-governmental organizations, to hear witnesses and to use such modalities as he may deem necessary for his mandate;

(d) To report to the Commission on Human Rights at its fifty-first session;

12. Decides to consider the situation of human rights in Bougainville at its fifty-first session under the same agenda item.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Guinea-Bissau and Nigeria: draft resolution

Human rights violations in the Papua New Guinea island of Bougainville

The Commission on Human Rights,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, and mindful of its responsibilities under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Reaffirming the validity of the Universal Declaration of Human Rights, as well as of the International Covenant on Civil and Political Rights, on the one hand, and the International Covenant on Economic, Social and Cultural Rights, on the other hand, which are indivisible and interrelated,

Recognizing that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms by the indigenous people living in the province of Bougainville,

Expresses deep concern about the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), according to which a large number of human rights violations, including extrajudicial, summary and arbitrary executions, have occurred since April 1991 on the island

of Bougainville in the context of the ongoing armed conflict between the security forces of Papua New Guinea and the Bougainville Revolutionary Army,

Welcoming the invitation extended by the Government of Papua New Guinea to the European Economic Community-African, Caribbean and Pacific Joint Assembly, as well as some other relevant international observers, but disappointed that such access has in the past been denied,

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992 and Commission on Human Rights resolution 1993/76 of 10 March 1993,

Having examined the report of the Secretary-General on the human rights situation in Bougainville (E/CN.4/1994/60),

Concerned that the Government of Papua New Guinea has not provided information to the Commission on actions it has taken during the past year,

Recognizing that recent events in the Papua New Guinea province of Bougainville, particularly reports of a large number of human rights violations, require measures to assure the protection of human rights and fundamental freedoms,

Stressing the need for the Government of Papua New Guinea to prosecute those responsible for human rights violations on the island of Bougainville,

1. Welcomes the statement of the Government of Papua New Guinea to the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of the Bougainville people, but regrets that there has been no progress towards such negotiations by the Government;

2. Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group, but regrets the lack of response from the Government of Papua New Guinea to this initiative for peace;

3. Calls upon all parties to the conflict strictly to respect all human rights and fundamental freedoms and requests the Government of

Papua New Guinea as the administrative authority urgently to undertake a search for solutions with a view to implementing measures that would bring about a comprehensive political solution to the conflict;

4. Also calls upon all parties to the conflict, particularly the administrative authority, to ensure the immediate and unconditional flow of humanitarian aid and assistance to civilian persons, especially women and children, in the areas of conflict on the island of Bougainville;

5. Urges the Government of Papua New Guinea promptly to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to investigate the reports of human rights violations on the island of Bougainville;

6. Also urges the Government of Papua New Guinea to extend its full cooperation to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to enable them to report to the Commission at its fifty-first session;

7. Requests the Secretary-General to appoint a special representative:

(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) To receive credible and reliable information from Governments, non-governmental organizations and any other body that may assist him in carrying out his mandate;

(d) To report to the Commission on Human Rights at its fifty-first session;

8. Decides to consider the situation on human rights in Bougainville at its fifty-first session under the same agenda item.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 23

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Albania*, Argentina*, Armenia*, Australia, Austria, Belgium*, Belize*, Brazil, Bulgaria, Canada, Croatia*, Czech Republic*, Ecuador, France, Germany, Hungary, Ireland*, Italy, Jordan*, Liechtenstein*, Madagascar*, Mauritius, Mongolia*, Netherlands, Norway*, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Senegal*, Slovakia*, Swaziland*, Sweden* and Ukraine: draft resolution

World Conference on Human Rights

The Commission on Human Rights

Recalling General Assembly resolution 48/121 of 20 December 1993 entitled "World Conference on Human Rights", in which the Assembly endorsed the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,

Recalling also the view of the World Conference that the promotion and protection of human rights is a matter of priority for the international community,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Convinced that the World Conference, by the adoption of the Vienna Declaration and Programme of Action, made an important contribution to the promotion and protection of human rights,

Convinced also that all results of the World Conference have to be fully implemented and translated into concrete action,

Recognizing the contribution of non-governmental organizations in this respect,

Bearing in mind the recommendation of the World Conference that the Commission on Human Rights, the General Assembly and other organs and agencies of the United Nations system related to human rights consider ways and means for the full implementation, without delay, of all recommendations contained in the Vienna Declaration and Programme of Action,

Bearing in mind also the recommendation of the World Conference that the Commission should review annually progress towards this end,

1. Appreciates the important contribution of the World Conference on Human Rights, convened at Vienna from 15 to 26 June 1993, to the universal promotion and protection of human rights;

2. Welcomes the reaffirmation by the World Conference of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the purposes and principles of the Charter of the United Nations;

3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

4. Recognizes the importance of continued dialogue and cooperation between Governments and non-governmental organizations and the role the Commission has to play in continuing to provide a forum for such dialogue;

5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission on Human Rights to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

6. Requests all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to include in their

reports, where appropriate, a section on the implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

7. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within its mandate and to include in its report the measures undertaken within its mandate to implement these recommendations;

8. Decides to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action, taking into account inter alia, work undertaken in this respect by the General Assembly and its subsidiary bodies;

9. Requests the High Commissioner for Human Rights to report annually to the Commission on the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

10. Decides to consider this question at its fifty-first session under the appropriate agenda item.

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8 March 1994

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 23

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Albania*, Argentina*, Armenia*, Australia, Austria, Barbados, Belgium*, Belize*, Brazil, Bulgaria, Canada, Croatia*, Cyprus, Czech Republic*, Ecuador, France, Germany, Greece*, Hungary, Ireland*, Israel*, Italy, Jordan*, Liechtenstein*, Madagascar*, Mauritania, Mauritius, Mongolia*, Netherlands, New Zealand*, Norway*, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Senegal*, Slovakia*, Spain*, Swaziland*, Sweden*, Switzerland*, Tunisia and Ukraine: draft resolution

World Conference on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993 entitled "World Conference on Human Rights", in which the Assembly endorsed the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,

Recalling also the view of the World Conference that the promotion and protection of human rights is a matter of priority for the international community,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Convinced that the World Conference, by the adoption of the Vienna Declaration and Programme of Action, made an important contribution to the promotion and protection of human rights,

Convinced also that all results of the World Conference have to be translated into effective action by States, the competent organs of the United Nations and its family of organizations, and other organizations concerned,

Recognizing the contribution of non-governmental organizations in this respect,

Bearing in mind the recommendation of the World Conference that the Commission on Human Rights, the General Assembly and other organs and agencies of the United Nations system related to human rights consider ways and means for the full implementation, without delay, of all recommendations contained in the Vienna Declaration and Programme of Action,

Bearing in mind also the recommendation of the World Conference that the Commission should review annually progress towards this end,

1. Appreciates the important contribution of the World Conference on Human Rights, convened at Vienna from 14 to 25 June 1993, to the universal promotion and protection of human rights,

2. Welcomes the reaffirmation by the World Conference of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

4. Recognizes the importance of continued dialogue and cooperation between Governments and non-governmental organizations and the role the Commission has to play in continuing to provide a forum for such dialogue;

5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission on Human Rights to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

6. Requests all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to include in their reports, where appropriate, a section on the implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

7. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within its mandate and to include in its report the measures undertaken within its mandate to implement these recommendations;

8. Decides to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action, taking into account, inter alia, work undertaken in this respect by the General Assembly and its subsidiary bodies;

9. Requests the High Commissioner for Human Rights to include in his annual report to the Commission a section on the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

10. Decides to consider this question at its fifty-first session under the appropriate agenda item.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina*, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Czech Republic*, Denmark*, El Salvador*, Finland, France, Germany, Greece*, Hungary, Iceland*, Ireland*, Italy, Kenya, Liechtenstein*, Luxembourg*, Madagascar*, Netherlands, New Zealand*, Nicaragua*, Norway*, Peru, Philippines*, Poland, Portugal*, Romania, Russian Federation, Rwanda*, Senegal*, Slovakia*, Slovenia*, Spain*, Swaziland*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136.

Mindful of the dismay and condemnation expressed by the World Conference on Human Rights at the continuing occurrence of gross and systematic violations of human rights, including summary and arbitrary executions,

Welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions,

Condemning especially violations of the right to life of minors and, in particular, children and adolescents without homes,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his report (E/CN.4/1994/7 and Add.1 and 2 and Corr.1),

Welcoming the methods of work adopted by the Special Rapporteur, including following up on communications and country visits,

Also welcoming the attention given by the Special Rapporteur in his report to violations of the right to life in connection with suppression of the right to freedom of opinion and expression, peaceful assembly and association,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the fundamental right to life,

1. Strongly condemns once again the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1994/7) and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;

4. Also notes the valuable recommendations made by the Special Rapporteur after his visits to particular countries, as contained in his report E/CN.4/1994/7/Add.1 and 2;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Commends the Special Rapporteur for his methods of following up on communications with Governments and sources of information, and encourages him to enhance further his dialogue with Governments as well as to follow up on recommendations made in reports after visits to particular countries;

8. Requests the Special Rapporteur in his next report to continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to national or ethnic, religious and linguistic minorities;

9. Urges the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

11. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights,

as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

12. Urges Governments to undertake all necessary and possible measures to prevent the needless loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency and to grant special protection to those who find themselves in particularly vulnerable situations during such events;

13. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

14. Reiterates the obligation of all Governments, bearing in mind the norms and principles contained in the pertinent international instruments, to carry out exhaustive and impartial investigations into allegations of all suspected cases of extrajudicial, arbitrary and summary executions, to identify, bring to justice and punish the perpetrators, to provide the right to seek and receive as appropriate, compensation for the victims or their families and to take effective measures to avoid future recurrence of such violations;

15. Strongly urges all Governments to respond to communications transmitted to them by the Special Rapporteur, and calls on them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

17. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers, government officials as well as members of the United Nations peace-keeping or observer

missions on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

18. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and, in view of the increasing workload of the Special Rapporteur, to substantially increase, within existing resources, the human and material resources placed at his disposal;

19. Also requests the Secretary-General and the Special Rapporteur to continue seeking ways of raising public awareness of the persistent occurrence of extrajudicial, summary or arbitrary executions and of the work and recommendations made by the Special Rapporteur;

20. Requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

21. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Algeria*, Bahrain*, Bangladesh, Cuba, Indonesia, Kuwait*, Lebanon*, Madagascar*, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Sudan, Syrian Arab Republic, Tunisia and Yemen: draft resolution

Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned by the persisting practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention IV of 1907,

Recalling its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Denouncing the repeated Israeli aggression in southern Lebanon, particularly the Israeli attack on the south and the west Bekaa in July 1993, which caused a large number of deaths and injuries and the displacement of hundreds of thousands of inhabitants, as well as the destruction of several houses, hospitals, schools and public buildings,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force in this respect,

Hoping that the steps and efforts dedicated to attaining peace in the Middle East will put an end to Israeli violations of human rights in southern Lebanon, and that the peace negotiations will proceed to settle the Middle East conflict and achieve a just and comprehensive peace in the region,

Gravely concerned by the impeding of the International Committee of the Red Cross and other humanitarian organizations from accomplishing their humanitarian mission in the occupied area of southern lebanon, in particular to ascertain reports of ill-treatment of detainees in the detention centres of Khiam and Marjeyoun,

Reaffirming its resolution 1993/67 of 10 March 1993, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Condemns the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of civilians, the destruction of their houses, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an end immediately to such practices and to implement the relevant resolutions of the Security Council which demand the immediate, total and unconditional withdrawal of Israel from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to comply with the Geneva

Conventions of 1949, specifically the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to release immediately all the Lebanese and other prisoners detained in the Israeli prisons and detention centres contrary to all the Geneva Conventions and to international law;

5. Calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region and, in particular, to allow these organizations to visit the detention centres of Khiam and Marjeyoun and verify the living conditions of the detainees;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon at its fifty-first session.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Draft resolution proposed by the Chairman

Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to

ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions, as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Taking note, in particular, of its resolution 1993/66 of 10 March 1993, in which it was decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-eighth session, and of Economic and Social Council decision 1993/275 of 28 July 1993, in which the Council approved the Commission's decision,

Recalling General Assembly resolution 48/152 of 20 December 1993 and noting with concern that since its adoption the situation of human rights in Afghanistan has further deteriorated owing to the recent outbreak of large-scale fighting,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established,

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of all ethnic and religious groups, including minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the recurring violations of human rights specific to or primarily directed against women by warring factions in Afghanistan and about the lack of respect towards them and their physical integrity and dignity, as reported by the Special Rapporteur,

Concerned also at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties, among whom are several members of the former Government,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Deeply concerned at the decline in the repatriation of Afghan refugees in 1993 and at reports of new waves of refugees in the first months of 1994, owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow those still in exile to return as soon as possible,

Noting with appreciation the efforts undertaken by some neighbouring countries to provide assistance to growing flows of refugees pending their repatriation, despite diminishing financial and other resources,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of amnesty issued on 28 April 1992 by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein (E/CN.4/1994/52),

Commending the efforts by the Special Rapporteur to implement its resolution 1993/46 of 8 March 1993 and the Vienna Declaration and Programme of Action by including in his report information on human rights violations affecting women,

Noting that owing to security considerations the Special Rapporteur has been unable to visit Kabul recently,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan, and in particular General Assembly resolution 48/208 of 21 December 1993, by which the General Assembly requested the Secretary-General to dispatch as soon as possible a United Nations special mission to Afghanistan to canvass a broad spectrum of Afghanistan's leaders to solicit their views on how the United Nations can best facilitate national rapprochement and reconstruction, and report to the Secretary-General their findings, conclusions and recommendations for appropriate action;

5. Urges all the parties to carry out, as soon as possible, a disarmament process which constitutes a prerequisite to a solution to the conflict, as decided also in the Islamabad agreement signed by the Afghan parties;

6. Invites the United Nations to offer, upon request of the Afghan Government and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

7. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

8. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

9. Appeals to all Member States to envisage all appropriate measures in order to stop supplies of weapons to the warring factions;

10. Strongly urges all Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity are ensured in accordance with the provisions of international human rights instruments and humanitarian law;

11. Calls upon all States and parties concerned to make all efforts for the realization of General Assembly decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, as well as for the tracing of the many Afghans still missing as the result of the war;

12. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

13. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7, of the International Covenant on Civil and Political Rights;

14. Takes note of the recommendation of the Special Rapporteur concerning measures to facilitate the passage of humanitarian convoys along the highway between Jalalabad and Kabul;

15. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan to contribute to alleviating the suffering of refugees, especially the living conditions of women and children;

16. Urges the international community to sustain the increasing financial efforts undertaken by humanitarian agencies, such as the Office of the United Nations High Commissioner for Refugees and other United Nations agencies or non-governmental organizations, to assist the Afghan refugees;

17. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

18. Reiterates its appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

19. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

20. Invites the United Nations Educational, Scientific and Cultural Organization, once the situation is back to normal and upon invitation of the Afghan Government, to study the situation of the Kabul Museum and of the national archives and to take proper action to preserve the Afghan cultural heritage;

21. Recommends the translation into the Dari and Pashtu languages of the report of the Special Rapporteur;

22. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur, and requests the Special Rapporteur to make use of all appropriate means to gather information about specific instances of grave violations of human rights;

23. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session;

24. Calls on the Special Rapporteur to broaden and intensity efforts in addressing human rights violations that are specific to or primarily directed against women, in order to assure the effective protection of their human rights;

25. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

26. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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(369)

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 22

RIGHTS OF THE CHILD

Austria, Costa Rica, Côte d'Ivoire, France, Germany, Jordan*, Kuwait*, Madagascar*, Senegal* and Spain*: draft resolution

Effects of armed conflicts on children's lives

The Commission on Human Rights

Welcoming the promptness with which a large number of States have ratified the Convention on the Rights of the Child, which is evidence of unprecedented mobilization by the international community,

Noting in particular the fundamental importance of every child's inherent right to life, as recognized in article 6 of the Convention,

Reaffirming that this right is to be applied especially in times of armed conflict, when children's lives and physical integrity are particularly threatened,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting with interest that the Committee on the Rights of the Child, at its second session, decided to hold its first general discussion on the situation of children in armed conflicts (see CRC/C/10), thereby acknowledging the fundamental importance of this issue for the promotion and protection of children's rights and the role of the Convention in this regard,

Noting with consternation the very large number of innocent civilians who continue to be the victims of all forms of armed conflicts now taking place in the world,

Deploring the continued practice of enlisting children in the armed forces,

Deeply concerned at the alarming figures for deaths and serious injuries entailing life-long disability among children in areas of conflict,

Alarmed at the information that some particularly injurious weapons, especially anti-personnel mines, continue to strike long after conflicts have ended,

Noting with distress that children are often among the main victims of such weapons, and especially of anti-personnel mines,

Fully aware in this respect of the importance of operations for the effective detection, clearance and destruction of unremoved mines, operations that cannot be conducted without resources or special skills, and anxious to promote international cooperation in this field,

Recalling General Assembly resolution 48/7 of 19 October 1993 entitled "Assistance in mine clearance",

Noting the commitments entered into by States in fields pertaining to humanitarian law, and particularly the Geneva Conventions of 12 August 1949 and their Additional Protocols,

Recalling that, on the basis both of international humanitarian law and of the provisions of the Convention on the Rights of the Child, States must take all possible measures to ensure special protection and suitable care for children affected by an armed conflict,

Emphasizing also the need to ensure the physical and psychological rehabilitation, as well as social reintegration, of children affected by an armed conflict,

Recalling also in this regard the specific commitments entered into by States that have ratified the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, and particularly protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and calling on States to consider ratifying these instruments,

Welcoming General Assembly resolution 48/79 concerning the convening and preparation of a conference to review the Convention, priority being given to the provisions of Protocol II,

Recalling its resolution 1993/83 of 10 March 1993,

Aware that the World Conference on Human Rights, convened in Vienna from 14 to 25 June 1990, strongly supported the idea of a study on the protection of children against the effects of armed conflicts, including protection against indiscriminate use of all weapons of war, especially anti-personnel mines, as indicated in paragraph 50 of the Vienna Declaration and Programme of Action,

Taking note with satisfaction of General Assembly resolution 48/157 entitled "Protection of children affected by armed conflicts",

1. Expresses its deep concern and indignation at the serious consequences of armed conflicts for children, directly or indirectly involved, who are often among the main civilian victims of the use of anti-personnel mines;

2. Expresses its gratitude again to the Committee on the Rights of the Child for the views expressed at its second session on the issue of children in armed conflicts, in particular on the need to strengthen preventive measures and to implement effective protection for children, and notes the recommendations made by the Committee at its third session on means of improving the protection of children from the adverse effects of armed conflicts (see CRC/C/16), including the recommendation made to the General Assembly to undertake a study;

3. Welcomes the General Assembly decision to appoint an expert, who, in cooperation with the Centre for Human Rights and UNICEF, will undertake a thorough study of this issue, especially the participation of children in armed conflicts, as well as the relevance and adequacy of existing standards, and will make specific recommendations on means of preventing children from being affected by armed conflicts and of improving protection for children in armed conflicts,

and on measures to ensure their effective protection, including protection against indiscriminate use of all weapons of war,
especially anti-personnel mines, and to ensure their psychological and physical rehabilitation and social reintegration, taking into account the recommendations of the World Conference and of the Committee on the Rights of the Child;

4. Urges Member States, United Nations bodies and agencies, and the intergovernmental and non-governmental organizations concerned, including the Committee on the Rights of the Child, UNICEF, UNHCR, WHO and the International Committee of the Red Cross to contribute to the study;

5. Expresses its particular gratitude to the International Committee of the Red Cross and UNICEF for their efforts to foster awareness of the issue of anti-personnel mines;

6. Encourages efforts to promote international cooperation to assist in the detection and clearance of unremoved mines;

7. Requests all States to render full support for prevention of the indiscriminate use of anti-personnel mines and for protection and assistance for the victims;

8. Invites the relevant organizations of the United Nations system and other intergovernmental organizations to intensify their efforts to ensure that all possible assistance is given to child victims of anti-personnel mines, who are often disabled for life, with a view to their physical and psychological rehabilitation and social reintegration, and also to support to this end the activities of non-governmental organizations in the field;

9. Decides to examine this question, and especially the above-mentioned study, at its fifty-first session under the agenda item entitled "Rights of the child".

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, Luxembourg*, Netherlands, Norway*, Spain* and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deploring that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, a Nobel Peace Prize laureate, is still under house arrest and, according to some sources, will not in any event be released before the end of 1994,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949, for the protection of war victims and the release of a number of political prisoners, at the urging of the international community,

Gravely concerned at the violations of human rights in Myanmar which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, in particular, at minority groups,

Noting further that many violations directly affect women, in particular women belonging to minorities, who have suffered ill-treatment, especially at the hands of the military, as stated by the Special Rapporteur,

Noting that this situation has resulted in flows of refugees towards neighbouring countries,

Deeply concerned at the continuous problems created in neighbouring countries by this exodus of refugees, including some 200,000 refugees still living in Bangladesh,

Welcoming, nevertheless, the signing on 5 November 1993 by the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees, of the Memorandum of Understanding on the voluntary repatriation of refugees from Bangladesh,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1994/27), the Special Rapporteur on the question of torture (E/CN.4/1994/31), and the Special Rapporteur on the question of religious intolerance (E/CN.4/1994/71),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of General Assembly resolution 48/150 of 20 December 1993,

Noting that the Special Rapporteur has visited Myanmar at the invitation of the Government of Myanmar,

Deploring, however, that, in spite of the provisions of resolution 1993/73 requesting the Myanmar authorities to extend their full and unreserved cooperation to the Special Rapporteur, he has been denied access to Daw Aung San Suu Kyi,

Reaffirming that Daw Aung San Suu Kyi, a Nobel Peace Prize laureate, who has recently been authorized to receive a number of visits, must be released immediately and unconditionally,

Taking note of the cease-fire being observed and the negotiations under way between the Government of Myanmar and several minority groups,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1994/57) and the conclusions and recommendations contained therein;

2. Deplores the continued seriousness of the situation of human rights in Myanmar and, in particular, the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

3. Again urges the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to establish a democratic State in full accordance with the will of the people as expressed in the democratic elections held in 1990;

4. Notes with concern that most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare the basic elements for the drafting of a new constitution, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who are unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State;

5. Notes with concern the observation of the Special Rapporteur with regard to the National Convention that no evident progress has been made towards turning power over to a freely elected Government;

6. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically-elected representatives, lifting restraining orders placed on a number of political leaders, releasing those who are detained and ensuring that all political parties can function freely;

7. Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, notably against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and integrity of the human being, to the practice of torture, abuse of women and forced labour, to enforced displacements of the population and to enforced disappearances and summary executions;

8. Reminds the Government of Myanmar of its obligation to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, prosecute them and punish those found guilty, in all circumstances;

9. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

10. Regrets also that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

11. Strongly urges the Government of Myanmar to release immediately and unconditionally the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last five years, as well as other detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

12. Calls upon the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

13. Appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation;

14. Encourages the Government of Myanmar to continue to lift the emergency measures;

15. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

16. Requests the Government of Myanmar to create the necessary conditions to facilitate the early repatriation of Myanmar refugees in neighbouring countries and their full reintegration, in conditions of safety and dignity, and to implement fully the Memorandum of Understanding concluded with the Office of the United Nations High Commissioner for Refugees on 5 November 1993, concerning refugees in Bangladesh;

17. Invites the Government of Myanmar to fully respect its obligations under the Geneva Conventions of 12 August 1949, in particular their common article 3, and to avail itself of such services as may be offered by impartial humanitarian bodies;

18. Stresses that it is important for the Government of Myanmar to give particular attention to prison conditions in the country's jails and to allow international humanitarian organizations to communicate freely and confidentially with prisoners;

19. Welcomes the first measures taken by the Government of Myanmar to provide for the training of military personnel in international humanitarian law and requests it to intensify its efforts in that regard and to extend them to police and prison personnel;

20. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session;

21. Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

22. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

23. Decides to keep the matter under review at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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